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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,993	07/24/2001	David M. Vande Berg	01,241	5138
24030	7590	06/27/2006	EXAMINER	
SHUGHART THOMSON & KILROY, PC 120 WEST 12TH STREET KANSAS CITY, MO 64105			LE. UYEN CHAU N	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/911,993

Applicant(s)

VANDE BERG, DAVID M.

Examiner

Uyen-Chau N. Le

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 13-19 and 23 is/are allowed.
- 6) ☒ Claim(s) 20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Appeal Brief

1. Applicant's arguments with respect to claims 20-22 (see section VII, page 11 of the Appeal Brief filed 11 April 2006) have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference

is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claim 21 is rejected under 35 U.S.C. 102(e) as being anticipated by Blankenship et al (US 6,267,291 B1).

Re claim 21: Blankenship et al discloses (in figs. 10 & 11; col. 10, lines 8-20) a method of attaching an RF tag to a conveyor trolley having a wheel 132 with a hub, an outer rim, and a web/recess formed in the wheel between the hub and outer rim, the method comprising the steps of:

a) embedding the RF tag (i.e., coil antenna 140) in a block of material (i.e., button 138) shaped to fit within the web/recess;

b) placing the block/button 138 in the web/recess (i.e., the area between the outer rim and the hub); and

c) securing the block/button 138 to the wheel 132.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blankenship et al in view of Chapman et al (US 3,651,704). The teachings of Blankenship et al have been discussed above.

Re claims 20 and 22: Blankenship et al has been discussed above, but is silent with respect to having a thickness of the web less than the thickness of the outer rim.

Chapman et al teaches a pulley wheel 20 having a hub 22, a web 24, an outer rim 26, the web 24 having a thickness, which is less than the thickness of the outer rim 26 such that a first annular recess is formed between the hub and the outer rim (figs. 1-3, col. 2, lines 6-13).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further modify the web's thickness less than the thickness of the outer rim as taught by Chapman et al into the system of Blankenship et al in order to provide Blankenship et al with a lighter weight system (i.e., weight reduced due to the web thickness), thus providing an easier handling and conveying system. Furthermore, such modification would provide Blankenship et al with a feasible system due to the fact that the material required for the web is reduced during manufacturing.

Allowable Subject Matter

6. Claims 13-19 and 23 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of records to Black et al, Chapman et al, Blankenship et al, Röhrig and all other cited references, taken alone or in combination, fails to teach or fairly suggest the specific structure or the method of a conveyor trolley having

a combination features of a wheel including a hub, an outer rim, and a web connecting the hub to the outer rim, wherein the web having a thickness which is less than the thickness of the outer rim such that a recess is from between the hub and the outer rim; the wheel being rotatably mounted on an axle between the first and second legs of a strap, a hook extending downward from the first leg for suspending a load therefrom; and an RF tag mounted in the recess as set forth in claim 13.

a wheel with a hub, an outer rim, and a web connecting the hub to the outer rim, the web comprising a plurality of spokes with openings formed there between comprising, among other things, the first block is mounted in the first recess by a clamping member seated in the second recess and secured to the first block by a fastener such that the first block and the clamping member

abut opposite sides of at least one of the spokes with the fastener extending through the one opening as set forth in claim 17.

a clamping member in the second recess opposite the block; connecting the clamping member to the block with a threaded fastener extending through one of the openings in the web; tightening the threaded fastener to draw the block and the clamping member together and against the spokes (claim 23) as set forth in claim 23.

Response to Arguments

8. Applicant's arguments with respect to claims 20-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


The patents to Kornylak (US 4969548 A); Horne (US 5176331 A); Kirschner (US 3843188 A); Bobeczko (US 5692700 A) are cited as of interest and illustrate a similar structure to an apparatus and method for mounting an RF tag on a conveyor trolley.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau


N. Le whose telephone number is 571-272-2397. The examiner can normally be reached on maxi-flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Uyen-Chau N. Le
Primary Examiner
Art Unit 2876

June 19, 2006


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